

IN THE CIRCUIT COURT OF SULLIVAN COUNTY, AT MILAN, MISSOURI
DIVISION ONE

STATE OF MISSOURI, ex. rel.
ERIC SCHMITT,
ATTORNEY GENERAL,

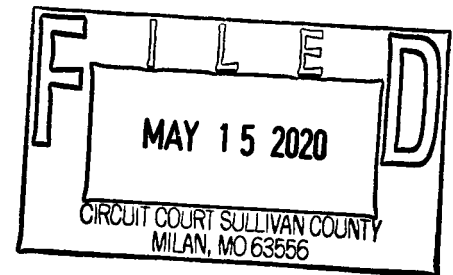
Plaintiff,

v.

ANGELA NOLAND AND
DANNY NOLAND D/B/A
LITTLE BIT RANCH,

Defendants.

Case No. _____



ORDER

The matter before this Court is the State of Missouri's Verified Application for Temporary Restraining Order Without Notice, filed pursuant to Mo. Sup. Ct. R. 92.02. The Court finds that:

1. Pursuant to Section 273.347.1, injunctive relief is available whenever the state veterinarian or state animal welfare official finds past violations of Sections 273.325 to 273.357 have occurred and have not been corrected or addressed.
2. Pursuant to Mo. Sup. Ct. R. 92.02(a)(1) and (b)(1), a Temporary Restraining Order may be obtained if Plaintiff establishes that immediate and irreparable injury, loss, or damage will result in the absence of relief.
3. No bond is required where the Application for a Temporary Restraining Order is filed by the State on its own behalf. See Mo. Rule Civ. P. 92.02(d).

4. On May 15, 2020, Plaintiff filed its Verified Application for Temporary Restraining Order alleges violations of the Animal Care Facilities Act and its implementing regulation.

5. In support of its Application, Plaintiff also attached Exhibits A through J, which were reports of inspections undertaken by the Plaintiff since August 2019.

6. Plaintiff has demonstrated that between August 12, 2019 and April 20, 2020, Plaintiff has undertaken eight inspections of Defendants facilities. *See* Exhibit C-K.

7. The eight inspections demonstrated that Defendants' facility had inadequate shelter; unsanitary enclosures with an excess accumulation of feces and food waste; dogs suffering due to inadequate or untimely veterinary care, including multiple instances of dogs with loose, sometimes bloody stool, matted fur, severe eye infections, and other health issues; sharp, rusted points in animal enclosures; living spaces that were too small and that did not contain adequate flooring; food receptacles that contained mold, caked food, and even a maggot; and Defendants have repeatedly failed to provide access to potable unfrozen water. *See* Exhibit 3-15.

8. Notice to Defendants would defeat the purpose of the Temporary Restraining Order, because notice would provide Defendants with the opportunity to hide or remove animals in Defendants' possession or control. This Court finds that Plaintiff has a reasonable basis to proceed without notice in seeking this Temporary Restraining Order under Mo. Sup. Ct. R. 92.02(b).

9. Defendants are currently engaged in a divorce proceeding; In Re The Marriage Of: Danny Lee Noland and Angela Marie Noland, 19SU-DR00019, with an emergency hearing set for May 19, 2020 where Defendants intend to take up the issue of selling, trading, bartering, brokering, adopting, giving away, or transporting the dogs at their facility.

10. An order allowing the Department to secure and inventory the property is needed to assess the condition and welfare of the animals.

11. Defendants have engaged in, and are likely to continue to engage in, acts and practices deemed unlawful by the Animal Care Facilities Act and its implementing regulations, immediate and irreparable injury, loss, or damage is likely to result in the absence of relief.

IT IS THEREFORE ORDERED THAT, Defendants Danny and Angela Noland d/b/a Little Bit Ranch and its respective officers, agents, representatives, employees and successors and all other persons in active concert and participation with Defendants are hereby restrained and enjoined from the acquisition of any additional dogs or cats at its facility and Defendants are prohibiting from selling, trading, bartering, brokering, adopting, giving away, or transporting any animals from its facility, except for the purposes of veterinary evaluation or treatment, to any *unlicensed* persons or facilities;

IT IS THEREFORE ORDERED THAT Defendants sell or give away the dogs at Defendants' facility to *licensed* persons or facilities so as to bring the number of dogs at Defendants' facility to no more than three intact female dogs;

IT IS THEREFORE ORDERED THAT Defendants grant immediate and unrestricted access to personnel or inspectors from the Missouri Department of Agriculture's Animal Care Program for the purpose of inspection and inventory of any dogs and cats at the facility, including those roaming the property, confined to enclosures, and housed within the residence or outbuildings;

IT IS THEREFORE ORDERED THAT Defendants provide personnel or inspectors from the Missouri Department of Agriculture's Animal Care Program access for inspections to ascertain the condition of any animals at the Facility and undertake any subsequent inspections;

IT IS FURTHER ORDERED THAT this Order, pursuant to Mo. Sup. Ct. R. 92.02(b), shall expire ten (10) days after issuance, unless Plaintiff shows that grounds exist for extension of this Order for additional periods not to exceed ten days each;

IT IS FURTHER ORDERED THAT this cause is hereby set for hearing for preliminary injunction on May 19 at 10 a.m./~~p.m.~~

SO ORDERED ON May 15, 2020, at 12:00 pm a.m./p.m.

TJ Tsd